

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Chambers to close on the motion to advance.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will be very very brief. I handed out for you an editorial from the Lincoln Star which quoted the Governor when he made a statement at his press conference indicating that whereas he is opposed to an outright repeal of the death penalty and nothing further, he would consider a bill which provided for a substantial prison sentence and he might sign that bill. This is the way he was quoted. LB 262 was written. It was drafted with the position of the Governor's publicly stated position in mind. I haven't had any personal or direct contact with the Governor but I don't have any reason to believe that he makes these public statements with no intention of abiding by them. We know that on a bill such as this the Governor could veto the bill. He could sign the bill or he could simply not sign it and allow it to become law without his signature. Since the Governor has indicated that he wants a substantial definite sentence which 262 gives but he may have misgivings about abolishing the death penalty. The provision in the constitution which allows a law to become effective without the signature of the Governor allows an accord to be reached between the executive and the legislative branches. Since the Legislature's job is to formulate policy and the Legislature has determined by the advancement and ultimate passage of this bill what the policy of the state ought to be, the Governor, in the interest of interdepartmental cooperation should allow the Legislature to establish this policy and try a new approach. The present one absolutely does not work. He knows and we all know that there is no effective death penalty in Nebraska. What 262 does is provide certainty. People who commit a crime of homicide, if it is classed as first degree murder, is tried as first degree murder, a conviction is based on that. The judge has no alternative but to sentence that person to a minimum of thirty years although the judge could sentence to more than that. The judge can sentence to more than thirty years but not to anything less and when Senator Labedz was talking about the Pardon Board commuting sentences to a term of years, I defy anybody to show where the Legislature has given the Pardon Board any direction in terms of what a life sentence should be commuted to if it is not going to be natural life which no life sentence, by the way, is anywhere in the country. This gives direction. It gives a